

**U.S. Army Corps  
of Engineers**

# Public Notice

In Reply to Application Number



**Maryland Department of  
the Environment**

**U.S. Army Corps of Engineers  
CENAB-OP-RMN(MARYLAND JOCKEY CLUB, LAUREL RACETRACK, PHASE III)  
2007-07041-M06  
and  
Maryland Department of the Environment  
Nontidal Wetlands and Waterways Case Number 07-NT-0282**

**PN08-44**

**Comment Period: July 12, 2008 to August 27, 2008**

**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW AND TO ANNOUNCE A JOINT PUBLIC HEARING. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.**

A joint U.S. Army Corps of Engineers (COE) and the Maryland Department of the Environment (MDE) public hearing will be held on Tuesday, August 12, 2008, at the Maryland City Volunteer Fire Department and Rescue Squad, at 3498 Fort Meade Road, Laurel, MD 20724. Displays may be viewed beginning at 6:00 pm. The hearing will start at 7:00 pm. Persons wishing to give oral testimony are encouraged to arrive at the hearing site early to sign up at the sign-in table. Anyone who is hearing impaired and desires to attend this meeting should notify Mr. Phil Cwiek at (410) 962-6010 or e-mail him at [phil.cwiek@usace.army.mil](mailto:phil.cwiek@usace.army.mil). All requests for an oral, sign language interpreter must be received by July 29, 2008. To the extent possible and feasible, an interpreter will be provided. By regulation (33 CFR 327.8), the Corps will not provide rebuttal to the public hearing testimony. A time limit of 3 minutes per speaker may be set, depending on turnout, to ensure that all interested parties have an opportunity to voice their opinions. All oral testimony will be recorded and a written transcript prepared. Additional comments may be submitted in written form.

Joint COE/MDE Public Hearings are held to provide interested individuals with the opportunity to present information about the effects of the project, including its social, economic, and environmental effects. The hearing provides the opportunity for interested parties to present views, opinions, and information that will be considered by the COE and MDE in evaluating the proposed project.

All comments received will become part of the formal project record. Copies of any written statements expressing concern for aquatic resources may also be submitted to:

**Mr. Phil Cwiek  
U.S. Army Corps of Engineers, Baltimore District  
Attn: CENAB-OP-RMN  
P.O. Box 1715  
Baltimore, Maryland 21203-1715**

**Ms. Judy Cole  
Nontidal Wetlands and Waterways Division  
Water Management Administration  
1800 Washington Boulevard, Suite 430  
Baltimore, Maryland 21203**

The COE and MDE have received an application for a Department of the Army Permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), and State authorization pursuant to the Non-Tidal Wetlands Protection Act, as described below:

**APPLICANT:** Maryland Jockey Club  
1058 Thomas Jefferson Street, NW  
Washington, DC 20007  
Attn: Mr. Walter Lynch

**LOCATION:** In non-tidal wetlands, streams, and floodplains of the Patuxent River, Anne Arundel County, Maryland.

**WORK:** The applicant proposes, in accordance with the attached plans, to construct a new clubhouse area with associated retail, parking, and infrastructure on an approximately 229.19-acre parcel within the Laurel Park Racing Association Limited Partnership property, know as Laurel Race Park. The proposed activity will require clearing vegetation, excavation, filling, grading, and building of structures. The proposal would result in 734 linear feet (LF) (4,613 square feet (SF))/0.11 acres) of permanent impacts to ephemeral and intermittent streams, 170,057 SF (3.90 acres) of permanent impacts to nontidal wetlands, 91,919 SF (2.11 acres) of permanent impacts to nontidal wetland buffer, 5,969 SF (0.14 acres) of temporary impacts to nontidal wetlands, 2,426 SF (0.06 acres) of temporary impacts to nontidal wetland buffer, and 38.48 acres of impact to 100-year floodplain for fill and excavation. The cumulative total permanent impact to nontidal wetlands/waterways is 4.01 acres, and the cumulative total temporary impact to nontidal wetland/waterways is 0.14 acres. The cumulative floodplain impact includes 11.5 acres of permanent fill in floodplain, 20.8 acres of permanent excavation in the floodplain, and 5.6 acres of creation of new floodplain through excavation. As compensatory mitigation for the proposed impacts to nontidal wetlands and other waters of the United States, the applicant proposes to create approximately 7 acres of palustrine forested (PFO) wetlands, restore/replant a 100 foot buffer and floodplains along the east bank of approximately 1,500 linear feet of the Patuxent River (20.34 acres), and perform invasive species eradication measures within 12.5 acres of existing nontidal wetlands on-site. The purpose of the project is to upgrade the existing Laurel Race Park and to construct a mixed-use development.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The COE is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the COE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are used to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from MDE. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21230-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.


The applicant must obtain any State or local government permits, which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

In a letter dated June 3, 2004, from J. Rodney Little, the Maryland Historical Trust (MHT) determined that, although two structures (the Paddock and the Manager's House) located on the property were eligible for listing in the national register and, therefore, listed in the Maryland Register of Historic Properties, that the Racetrack as a whole, is ineligible for listing in the National Register of Historic Places or the Maryland Register of Historic Properties. This proposed project will not impact these existing historic resources. On June 28, 2007, MHT determined that the project will have no adverse effect on these historic properties.

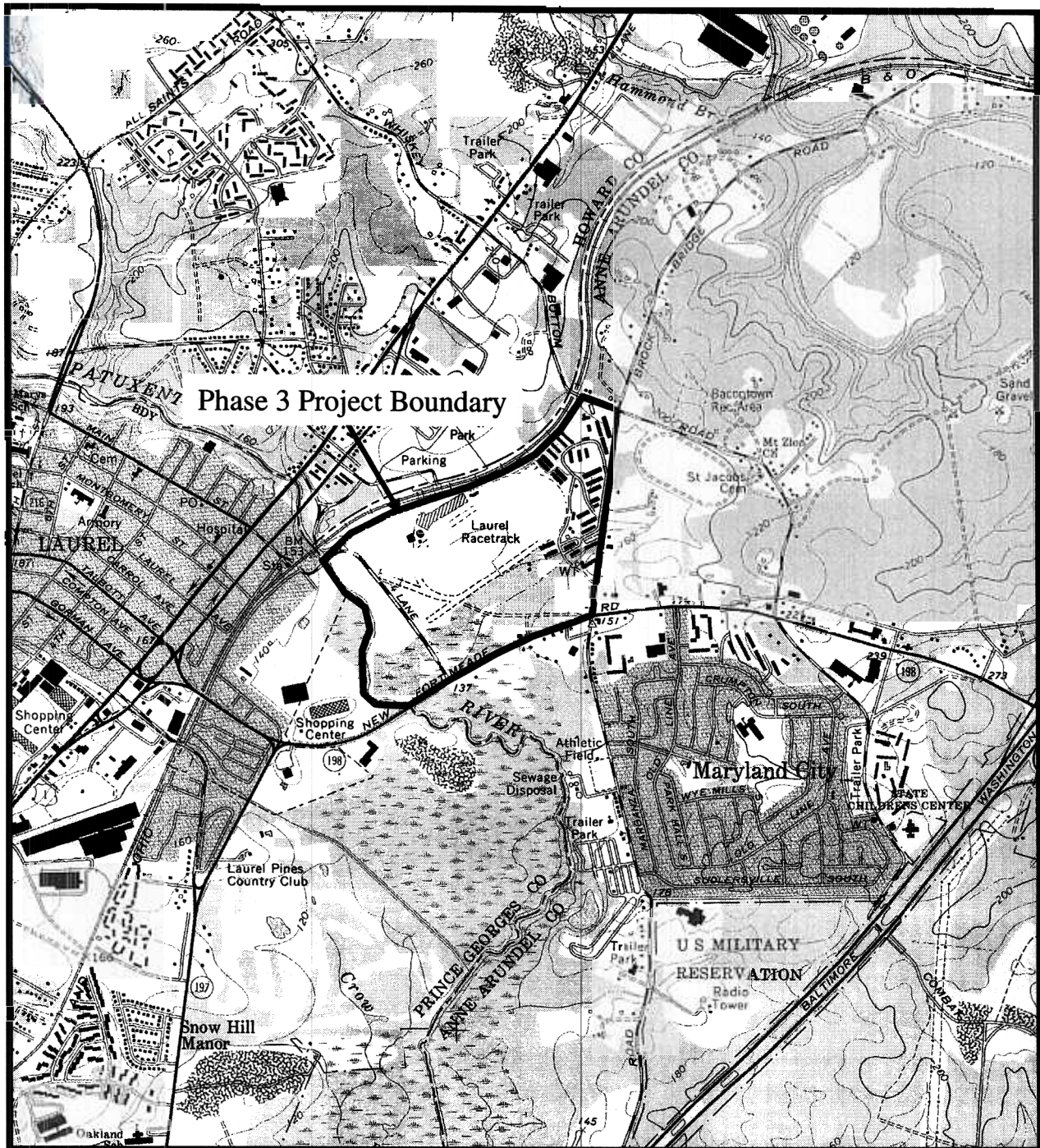
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. If you have any questions concerning this matter or desire more detailed plans, please contact the COE project manager, Mr. Phil Cwiek at (410) 962-6010 or the MDE Project Manager, Ms. Judy Cole, at (410) 537-3769 or by email at [jcole@mde.state.md.us](mailto:jcole@mde.state.md.us).

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, which did not receive a copy of this notice.



JOSEPH P. DAVIA  
Chief, Maryland Section Northern





***Laurel Race Track Improvements Phase 3***  
**USGS Site Vicinity Map**  
**Attachment 1**



**esa**

**Environmental Systems Analysis, Inc.**  
 48 Maryland Avenue  
 Annapolis MD 21401



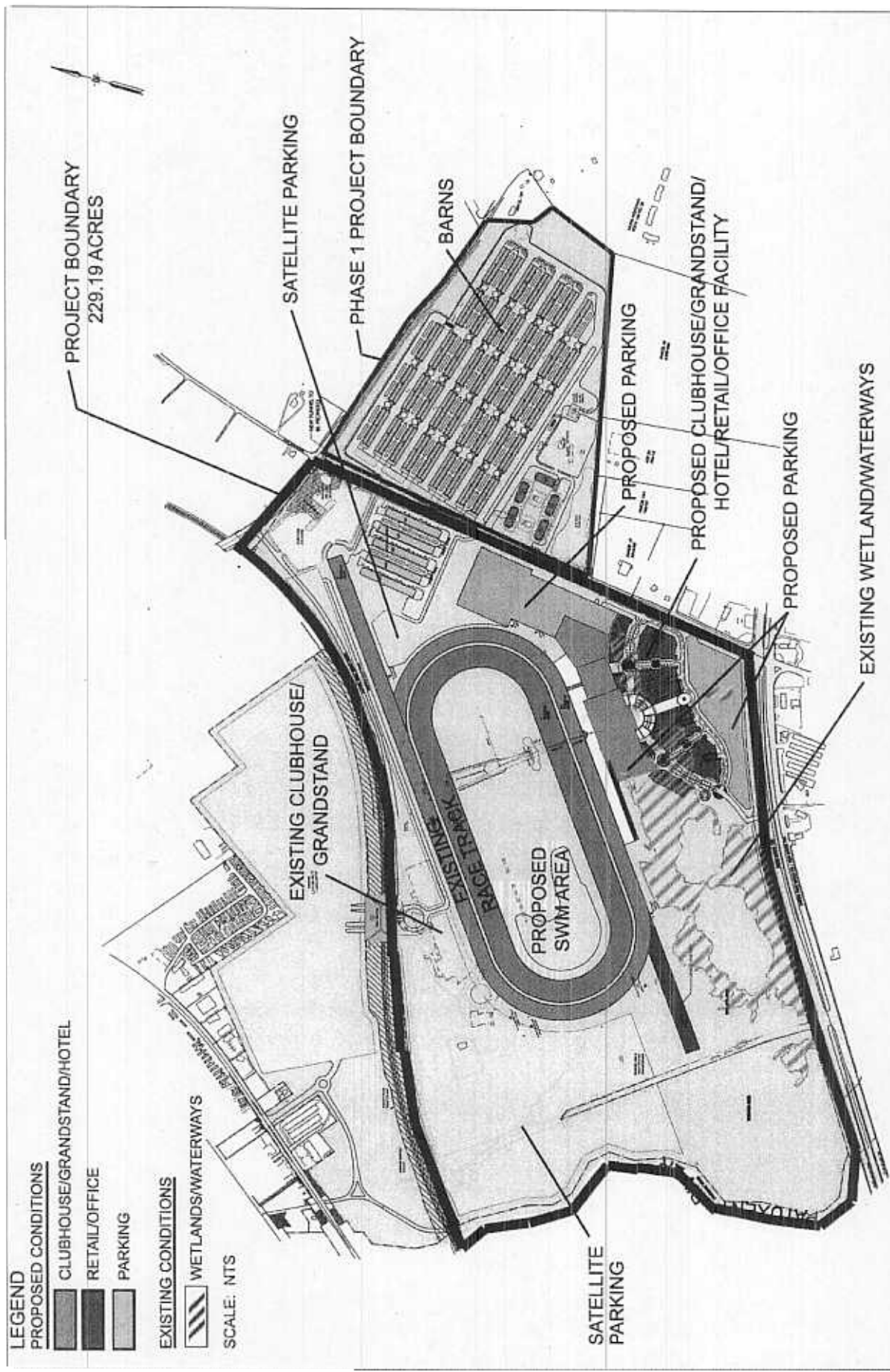


FIGURE 5.  
Preferred Alternative E - Proposed Site Layout  
Laurel Race Track Phase 3 Development

**Table 1. Laurel Racetrack Wetland Impact Summary**

Wetland Impact No.#	Sheet #	Wetland Type	Impact Type	Permanent Wetland Impact (SF)	Permanent Wetland Impact (AC)	Temporary Wetland Impact (SF)	Temporary Wetland Impact (AC)	Permanent Buffer Impact (SF)	Permanent Buffer Impact (AC)	Temporary Buffer Impact (SF)	Temporary Buffer Impact (AC)
1	10	PEM	Permanent Fill	14,484	0.33	---	---	8,436	0.194	---	---
2	10	PSS	Permanent Fill	7,987	0.18	---	---	8,381	0.192	---	---
3	9	PEM	Permanent Fill	24,570	0.56	---	---	20,250	0.465	---	---
4	6	PFO	Permanent Fill	460	0.01	---	---	5,616	0.129	---	---
5	4	PEM	Permanent / Temp Fill *	5,030	0.12	1,436	0.03	2,382	0.055	413	0.009
6	1A, 3-5, 7	PFO	Permanent / Temp Fill *	106,734	2.45	4,533	0.10	32,430	0.744	464	0.011
7	8	PSS	Permanent Fill	10,792	0.25	---	---	14,250	0.327	---	---
11	2	PFO	Permanent Fill	---	---	---	---	174	0.004	1,549	0.036
<b>TOTAL</b>				<b>170,057</b>	<b>3.90</b>	<b>5,969</b>	<b>0.14</b>	<b>91,919</b>	<b>2.11</b>	<b>2,426</b>	<b>0.06</b>

\* See Wetland Impact Exhibits

**Table 2. Laurel Racetrack Stream Impact Summary**

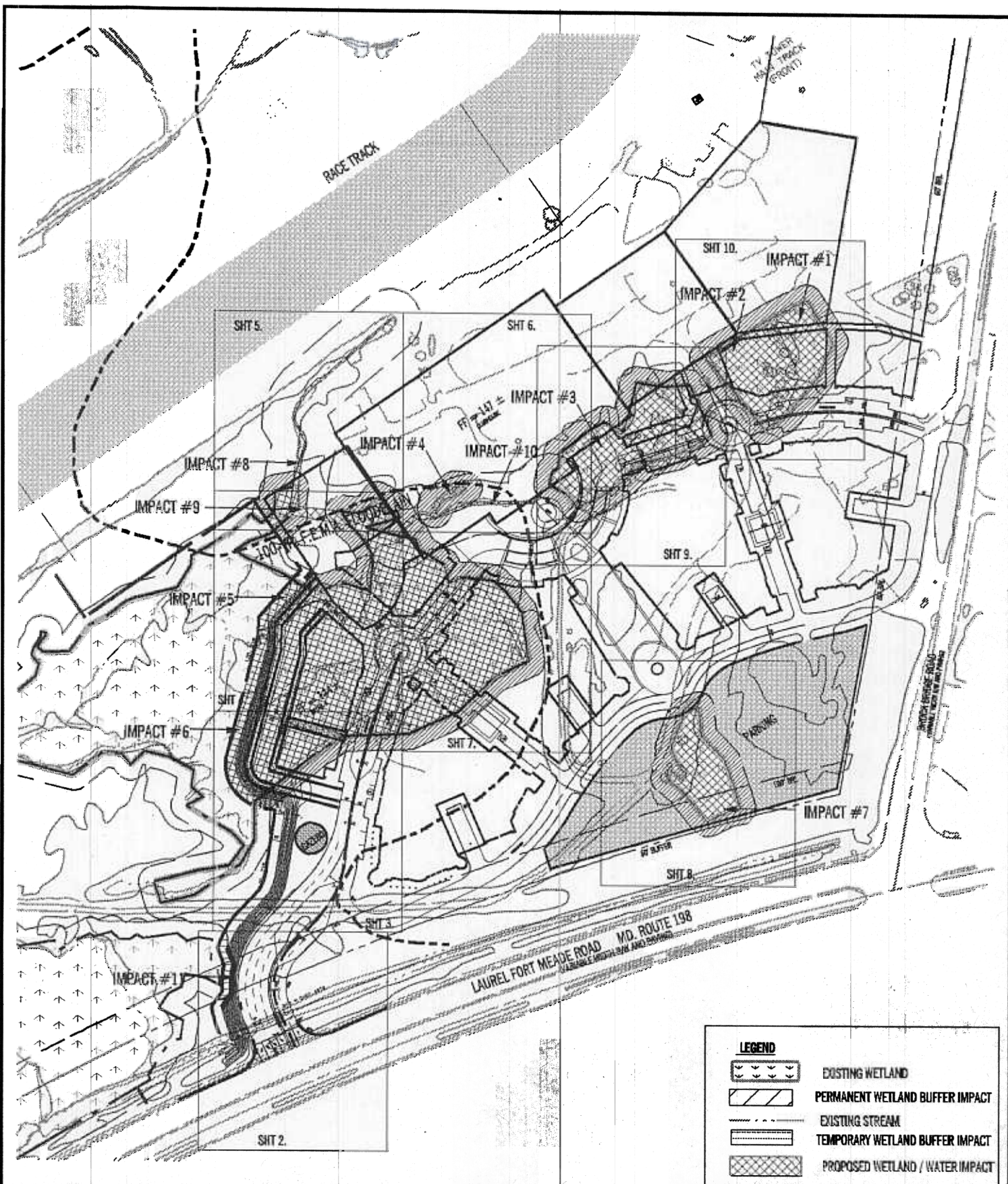
Wetland Impact No.#	Sheet #	Wetland Type	Impact Type	Permanent Stream Impact (SF)	Permanent Stream Impact (AC)	Permanent Stream Impact (LF)
8	5	R4	Permanent Fill	1,877.10	0.043	381
9	4	EPH	Permanent Fill	1,480.35	0.034	71
10	6	R4	Permanent Fill	1,255.19	0.029	282
<b>TOTAL</b>				<b>4,613</b>	<b>0.11</b>	<b>734</b>

**Table 3. Laurel Racetrack 100-Year Floodplain Summary**

Type of Impact	Area of Impact Acres	Volume of Impact Acre-Feet	Volume of Impact Cubic Feet
Fill within Floodplain	10.86	57	2,482,920
Excavation within floodplain	27.62	76	3,310,560
<b>Total Floodplain Impact</b>	<b>38.48</b>	<b>133</b>	<b>5,793,480</b>
Excavation – Creation of new floodplain	4.4	14	609,840







# IMPACTS: WETLAND IMPACT LOCATOR MAP

PERMANENT WETLAND IMPACT:  
TEMPORARY WETLAND IMPACT:

PERM. WETLAND BUFFER IMPACT:  
TEMP. WETLAND BUFFER IMPACT:

PERMANENT WATERS IMPACT:  
TEMPORARY WATERS IMPACT:



© LATEST DATE HEREIN

**GREENHORNE & O'MARA, INC.**  
6110 FROST PLACE  
LAUREL, MARYLAND 20707

## WETLAND EXHIBIT LAUREL RACE TRACK

APPLICANT:  
LAUREL RACING ASSOCIATION LTD. PARTNERSHIP  
3600 FT. MEADE ROAD  
LAUREL, MD 20725-0130  
C/O WALTER A. LYNCH, AIA, LLC  
ATTN: WALTER A. LYNCH

DESIGN SCALE 1" = 200'

DRAWN 1 OF 10

CHECKED SHEET

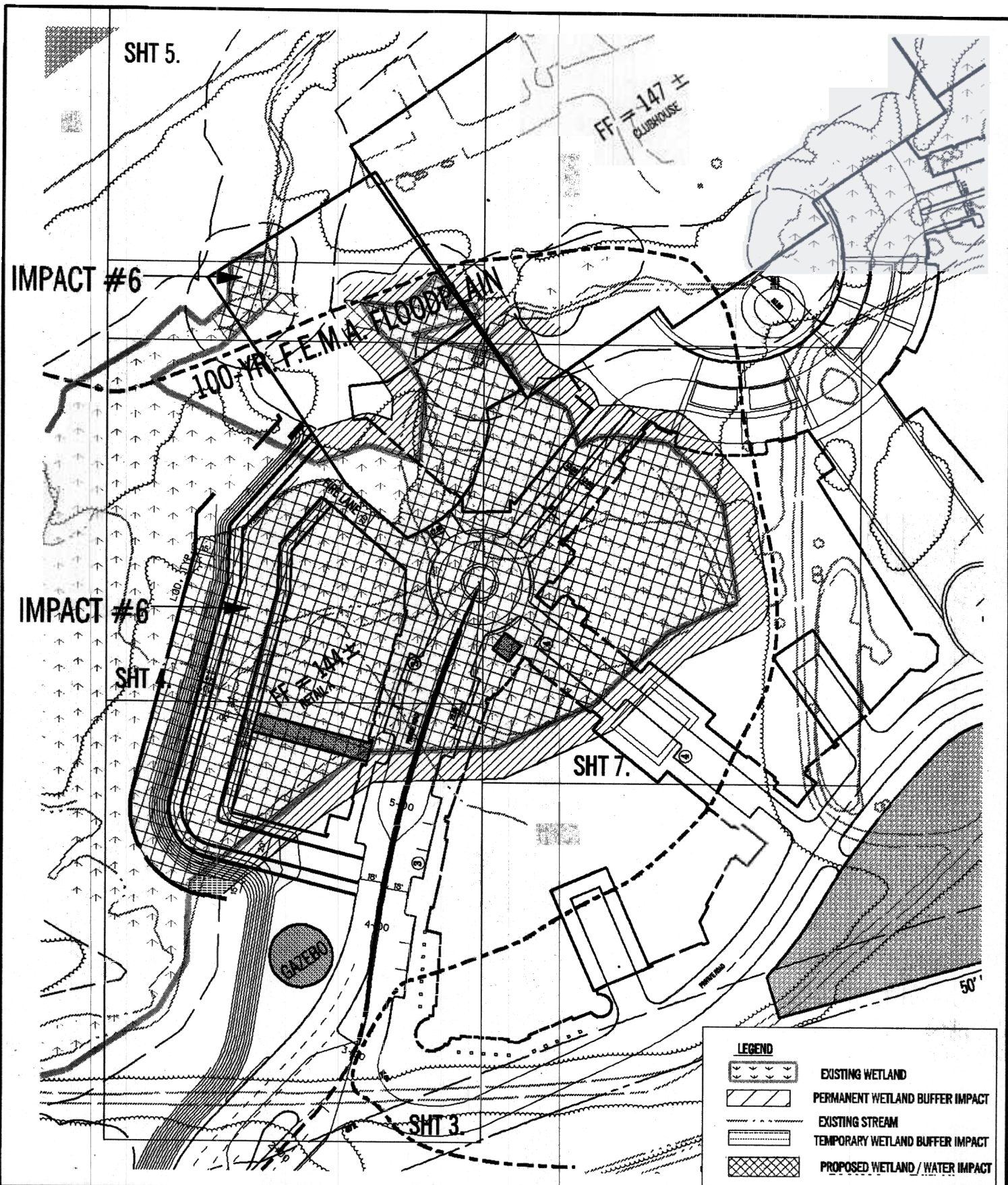
APRIL 2007 090766

DATE

PROJ No.

FILE No.





# IMPACTS: WETLAND B (TOTAL) IMPACT LOCATOR MAP

PERMANENT WETLAND IMPACT: 106734.17 SF (2.45 AC)  
 TEMPORARY WETLAND IMPACT: 4533.2 SF (0.10 AC)

PERM. WETLAND BUFFER IMPACT: 32430.32 SF (0.744 AC)  
 TEMP. WETLAND BUFFER IMPACT: 463.8 SF (0.01 AC)

PERMANENT WATERS IMPACT: 0  
 TEMPORARY WATERS IMPACT: 0



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**GREENHORNE & O'MARA, INC.**  
 6110 FROST PLACE  
 LAUREL, MARYLAND 20707

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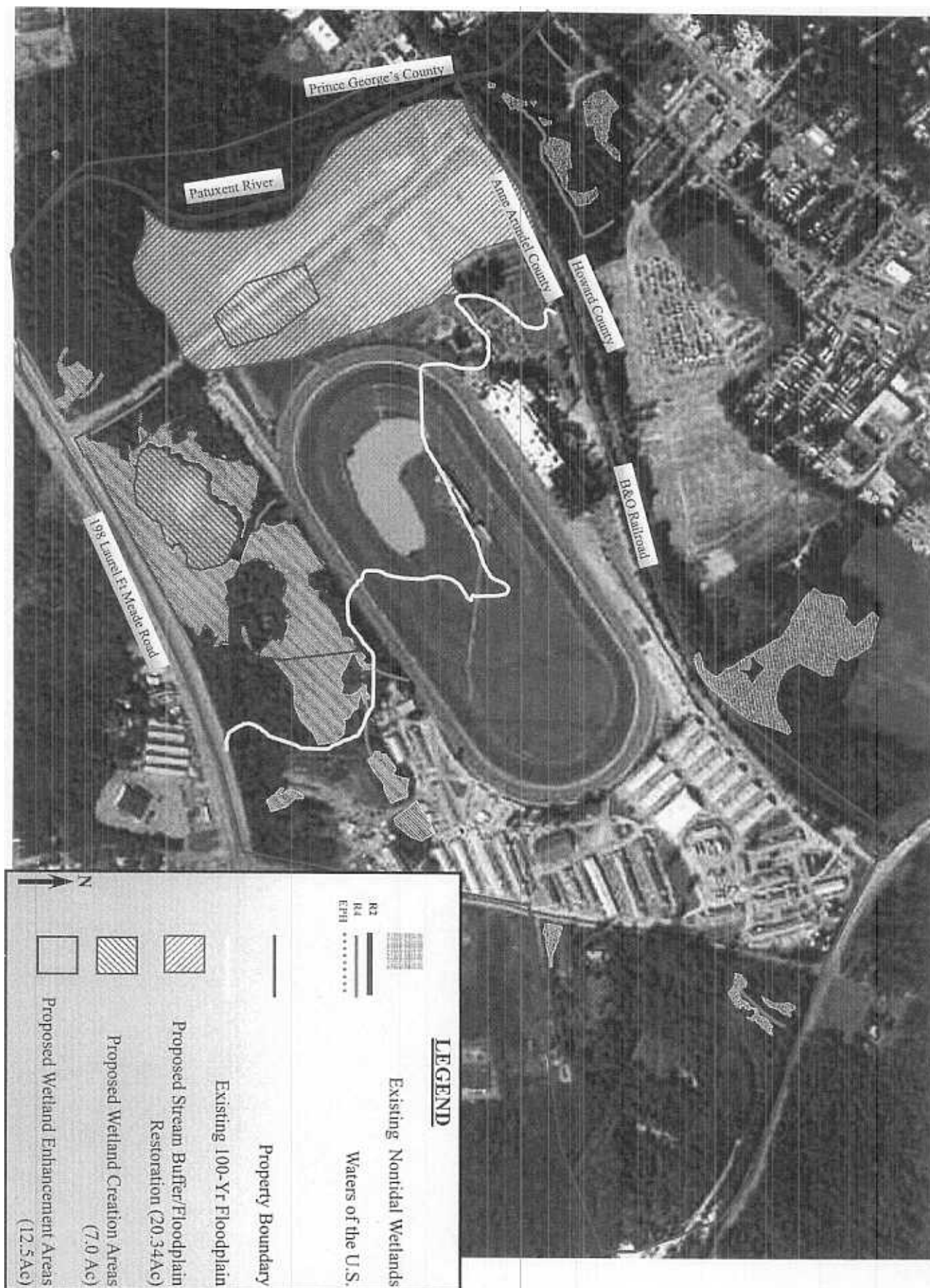
DESIGN SCALE 1" = 100'

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CHECKED SHEET  
 APRIL 2007 090766  
 DATE PROJ No.

FILE No.





# LAUREL RACE TRACK IMPROVEMENT—PHASE 3

Applicant: Maryland Jockey Club  
c/o Walter E. Lynch, A.I.A.

## CONCEPTUAL WETLAND MITIGATION PLAN

June 20, 2007/Not To Scale